

## **REMARKS**

Claims 1-118 are all the claims pending in the application, claims 1, 2, 4, 46-52, 62, 64, 84-86, 91-93, 103, 105, and 112 having been elected for examination in response to a restriction requirement, and claims 3, 5-45, 53-61, 63, 65-83, 87-90, 94-102, 104, 106-111, and 113-118 having been withdrawn from consideration.

Claims 1, 2, 4, 46, 47, and 112 stand rejected under 35 U.S.C. §102(b) as being anticipated by Williams (5,691,490). Claims 48-52, 62, 64, 84-86, 91-93, 103, and 105 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of Tunura (5,585,588). Claims 84-86, 91-93, 103, and 105 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of Tunura and Norton (5,994,633). Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

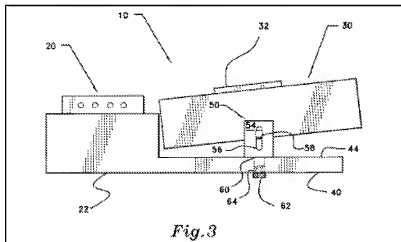
### **Rejection under 35 U.S.C. §102(b)**

Claims 1, 2, 4, 46, 47, and 112 stand rejected under 35 U.S.C. §102(b) as being anticipated by Williams (5,691,490).

#### **Plurality of musical modules**

Claim 1 is directed toward a customizable aggregated musical instrument and recites “each musical module of said plurality of individual musical modules is readily positionable within any of a plurality of mounting locations of said mounting frame.”

Page 2 of the Office Action indicated that stringed instrument 20 and keyboard 30 teach the claimed “plurality of individual musical modules.” Assuming *arguendo* that this is correct, claim 1 is distinguishable since both instrument 20 and keyboard 30 are not readily positionable within any of a plurality of mounting locations. Applicant’s position is supported by Fig. 3 of Williams, which is provided below.



Referring now to Fig. 3 of Williams, Applicant further assumes, for the sake of argument, that keyboard 30 is positionable within any of a plurality of mounting locations. Even if this is true, Williams provides no teaching or suggestion with regard to instrument 20 being positionable with any of a plurality of mounting locations. To the contrary, the disclosure of Williams (e.g., Fig. 3 depicted above) is limited to instrument 20 being fixed to body 22. That is, instrument 20 is positionable at only one mounting location.

Williams therefore provides, at best, one musical module (keyboard 30) that is readily positionable within any of a plurality of mounting locations.” Because of this shortcoming, Williams cannot teach or suggest “each musical module of said plurality of individual musical

modules is readily positionable within any of a plurality of mounting locations of said mounting frame,” as required by claim 1.

### **Mounting frame**

Claim 1 also recites “a mounting frame securing said plurality of individual musical modules in a reconfigurable mounting arrangement.”

Page 2 of the Office Action indicates that extending portion 40 teaches the “mounting frame” recited in claim 1. Williams describes the extending portion 40 as follows: “The body 22 has a portion 40 (see Fig. 4) extending outward from the strings 26 upon which the keyboard 30 is adjustably attached using a bracket 50.” (Col. 2, line 66 to col. 3, line 1). Fig. 3, which is depicted above, also illustrates extending portion 40. Importantly, Williams provides absolutely no disclosure relating to portion 40 securing instrument 20 in any type of mounting arrangement, much less a “reconfigurable mounting arrangement” as required by claim 1. Williams therefore provides, at best, a mounting frame securing one musical module (keyboard 30), not the claimed “plurality of individual musical modules.”

In view of the foregoing, Williams fails to teach or suggest a number of features recited in claim 1, and therefore this claim is believed to be patentable. Independent claim 112 includes language similar to that of claim 1, and thus, is believed to be patentable for reasons similar to those discussed with regard to claim 1. The rejected dependent claims are believed to be patentable at least by virtue of their respective dependence on the patentable independent claims 1 and 112.

**Rejection Under 35 U.S.C. §103(a)**

Dependent claims 48-52, 62, 64, 84-86, 91-93, 103, and 105 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of Tunura. Claims 84-86, 91-93, 103, and 105 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of Tunura and Norton. Applicant has demonstrated above that Williams does not teach or suggest various features recited in claim 1. Applicant further submits that neither Tunura nor Norton supply any of the deficiencies of Williams. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of these references in the manner asserted, the identified dependent claims would be patentable at least by virtue of their dependency upon patentable independent claim 1.

**CONCLUSION**

In light of the above remarks, Applicant submits that the present Response places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,  
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